

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 10 2004

FILE 9

OFFICE OF
MANAGING DIRECTOR

R. Scott Seab
Vice President – Regulatory Affairs
NOW Communications, Inc.
711 South Tejon Street, Suite 201
Colorado Springs, CO 80903

Re: NOW Communications, Inc.
Request for Waiver of FY 2003 Regulatory Fee
Fee Control No. 00000RROG-04-048

Dear Mr. Seab:

This letter responds to your request (dated February 21, 2004) submitted on behalf of NOW Communications, Inc. (NOW) for a waiver of the fiscal year (FY) 2003 regulatory fee and the late charge penalty for late payment of the regulatory fee. Our records reflect that you have not paid the FY 2003 regulatory fee or the late charge penalty.

In your request, you state that “[t]here is no record of any bill or invoice received by NOW for the FY 2003 regulatory fee[.]” You state that “NOW was unable to independently reorganize from its Chapter 11 [bankruptcy] filing last year, and as a result, sold its assets to another carrier.” As evidence of NOW’s Chapter 11 bankruptcy, you submit a “Notice of Bankruptcy and of Automatic Stay” issued by the United States Bankruptcy Court for the Southern District of Mississippi (Bankruptcy Court) on March 4, 2003. You also submit an “Order Approving Sale of Substantially All Assets of Debtor,” dated November 18, 2003, from the Bankruptcy Court approving the sale of assets by NOW to MCG Capital Corporation or NOW Acquisition Corporation. In connection with that sale, you submit a public notice issued by the Commission announcing the grant of NOW’s domestic section 214 transfer of control application, effective January 11, 2004.¹ You also submit a summary of NOW’s bankruptcy proceedings (apparently drafted by NOW) that reflects that NOW was in bankruptcy on September 25, 2003, the date on which the FY 2003 regulatory fees were due.² You also confirm in a separate correspondence that NOW was in bankruptcy on that date.

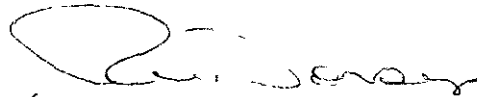
¹ See *Public Notice, Notice of Streamlined Domestic Section 214 Application Granted*, WC Docket No. 03-248, DA 04-43, 2004 WL 47292 (released Jan. 12, 2004)

² The summary indicates that as late as October 3, 2003, proceedings were ongoing regarding a plan of reorganization for NOW.

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due. *See Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Accordingly, based upon the documentation that you provide that NOW was in bankruptcy on September 25, 2003, we grant your request for waiver of the FY 2003 regulatory fee and the associated late charge penalty and Bill number 04RE003372 will be canceled.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

Mark A. Reger
Chief Financial Officer

00000RR06-04-048

NOW Communications, Inc. – Regulatory Office

R. Scott Seab, Vice President – Regulatory Affairs
711 South Tejon Street, Suite 201
Colorado Springs, CO 80903

TEJON
C. Seab
rss@nowcommunications.com
Ph. (719) 633-3059
Fax (719) 623-0287

February 21, 2004

Federal Communications Commission
Revenue & Receivables Operations Group
445 12th Street SW, Room 1A821
Washington, DC 20554

Re: 04RE001926, Non-receipt of 2003 Regulatory Fees

RECEIVED
FCC

2004 FEB 27 P 6:10

ACCOUNT PROCESSING
FEB 27 2004

I have received the notice of non-receipt (copy enclosed) from your office and searched NOW's files and records. There is no record of any bill or invoice received by NOW for the FY 2003 regulatory fee of \$1,313.27.

Complicating the matter is that NOW was unable to independently reorganize from its Chapter 11 filing last year, and as a result, sold its assets to another carrier. Copies of the bankruptcy court's order approving the asset sale and the FCC's approval of NOW's 214 license transfer are enclosed.

In light of the foregoing, NOW requests that the Commission waive not only the penalty but the regulatory fee as well.

Sincerely,

R. Seab

FCC - MAIL ROOM

RECEIVED
FEB 25 2004

MAR 26 2004



Federal Communications Commission
Washington, D.C. 20554
February 9, 2004

NOW Communications, Inc
711 South Tejon St
Ste 201
Colorado Springs, CO 80903

RECEIVED
FCC
2004 FEB 27
6:10
ACCOUNT PROCESSING
Re: 04RE001926

Dear Licensee:

This letter is in reference to the Fiscal Year (FY) 2003 regulatory fees, which were due to the Federal Communications Commission (Commission) no later than September 26, 2003. These are mandatory fees established by Congress in accordance with the Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international policy, and rulemaking activities. An unpaid regulatory fee is a debt owed to the United States, see (31 U.S.C. §3701).

The Commission is verifying its FY 2003 regulatory fees collection to identify those licensees who have not paid. We have no record of receiving the FY 2003 regulatory fee under the following FCC Form 499-A Filer ID and FCC Registration Number (FRN)

FCC Form 499-A Filer ID: 822814

FRN: 0005028808

We have examined your most recent FCC Form 499-A, and it appears that you owe the FY 2003 regulatory fee of \$1,313.27. If this amount is correct, and you have not yet paid this fee, then you also owe a 25% penalty, which penalty equals \$328.32. The total fee now due is \$1,641.58. If the amount due is incorrect based on a revised FCC Form 499A submitted to NECA, please pay the newly calculated amount and pay this fee with the 25% penalty for this service.

Payment in full should be remitted with the enclosed Remittance Advice and FCC Form 159 to: **Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835** within 30 days of the date of this letter. You should submit all payments that are due, including the 25% penalty, for each Filer ID and FRN. The payment type code for this service is 0372. The payment type code to be used for the penalty is 0399. Each payment type code should be listed separately on the Form 159.

If you made full payment within the time required, please provide a complete copy of your submission (Form 159), including proof of payment. If you believe that you were exempt from the FY 2003 regulatory fee under the Commission's rules, please submit complete documentation supporting your position within twenty (20) days of the date of this letter. These documents should be sent to: **Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.**

We urge you to verify that proper payment was made to the Commission for this or any other Filer ID in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Claudette Pride, Chief
Revenue & Receivables Operations Group

Enclosure



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
[ftp.fcc.gov](ftp://ftp.fcc.gov)

DA 04-43
Released: January 12, 2004

NOTICE OF STREAMLINED DOMESTIC SECTION 214 APPLICATION GRANTED

WC Docket No. 03-248

The application listed in this notice has been granted pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ The Wireline Competition Bureau has determined that grant of this application serves the public interest.² For purposes of computation of time for filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.³

1. Domestic Section 214 Application Filed for Acquisition of Assets of Now Communications, Inc., by NOW Acquisition Corporation and Essex Acquisition Corporation, WC Docket No. 03-248, Public Notice, DA 03-3938 (rel. December 11, 2003).

Effective Date of Grant: 1/11/04

For further information, please contact Tracey Wilson, at (202) 418-1394 or Julie Veach, Competition Policy Division, Wireline Competition Bureau at (202) 418-1558.

¹ 47 C.F.R. § 63.03

² *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002).

³ *Id.*; see 47 C.F.R. § 1.4 (Computation of time).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED

NOV 18 2003

CHARLENE J. KENNEDY, CLERK
BY _____ DEPUTY

IN RE:

NOW COMMUNICATIONS, INC.,

Debtor.

*
*
* Case No. 03-01336
*
* Chapter 11 Proceeding
*

ORDER APPROVING SALE OF SUBSTANTIALLY
ALL ASSETS OF DEBTOR.

After good and sufficient notice, this matter came to heard on November 18, 2003 (the "Sale Hearing"), upon "Debtor's Motion to Sell Substantially All of its Assets Pursuant to 11 U.S.C. § 363(b) and (f), Free and Clear of All Claims and Liens," (the "Sale Motion") seeking approval of that certain Asset Purchase Agreement, as currently modified or amended the ("Agreement"), by and between MCG Capital Corporation ("MCG") and/or its designee ("NOW Acquisition Corporation" or "NAC") (collectively, MCG and NAC are hereinafter referenced as the "Purchasers") with Debtor, and further, the Objection to Sale Motion (the "Objection") filed by BellSouth Telecommunications, Inc. ("BellSouth"). Capitalized terms used in this Order, but not defined herein, shall have the meaning ascribed thereto in the Agreement.

The Court has considered: (a) the Sale Motion; (b) the Objection(s); (c) the form, time and manner of service of the notice of the Sale Motion and the Sale Hearing; (d) evidence submitted by Debtor; (e) the law; (f) statements and arguments of counsel made at the Sale Hearing; and (g) the entire record in this Chapter 11 bankruptcy case. For good cause shown, the Court hereby FINDS, CONCLUDES AND ORDERS as follows:

FINDINGS OF FACT

1. No other or further notice of the Sale Motion or of the Auction Sale is necessary or required. The notice was accurate, sufficient, and reasonable in all respects.

2. Good and sufficient notice of the Sale Motion and the Auction Sale has been given, and a reasonable opportunity to object or to be heard regarding the relief requested in the Sale Motion has been afforded to all parties in interest (in this Order, such term shall have the meaning set forth at 11 U.S.C. §1109) and to all entities (in this Order, such term has the meaning set forth at 11 U.S.C. §101(15)) including, but not limited to, all governmental units (in this Order, such term has the meaning set forth at 11 U.S.C. §105(27)), including but not limited to taxing authorities, environmental protection agencies, labor relations commissions and boards and administrative hearing agencies which assert, or may assert:

(a) claims (in this Order, such term has the meaning set forth at 11 U.S.C. §101(5)) including, without limitation, those arising under: (i) any theory of successor liability, *de facto* merger, or substantial continuity, whether based in law or equity; (ii) employee wage and benefit obligations, including, without limitation, obligations in connection with any employee benefit plan or arrangement provided to or for employees of Debtor or of any corporation, trade or business that is related to Debtor in a manner described in I.R.C. §414(b), (c) or (m), whether those obligations arise pursuant to the terms of the plan or arrangement or under the Internal Revenue Code, ERISA or another applicable federal or state law, rule or regulation and/or any collective bargaining agreement and collective bargaining obligation; (iii) CERCLA or similar federal and state environmental law; (iv) product warranties made or issued by or on behalf of Debtor or by operation of law; (v) tort law, personal injury or wrongful death; (vi) claims of possession, restrictions, interests, and encumbrances; and (vi) any other matters of any kind or nature, and whether or not imposed by agreement, understanding, law, equity or otherwise, against Debtor, its estate, its rights, its affiliates (in this Order, such term has the meaning set forth at 11 U.S.C. §101(2)) or its insiders (in this Order, such term has the meaning set forth at 11 U.S.C. §101(31)) of Debtor, and

(b) an equity interest in, or encumbrance on or lien (in this Order, such term has the meaning set forth at 11 U.S.C. §101(37)) against property of, and rights held by, Debtor, including but not limited to the Assets purchased by NAC, including but not limited to, such liens as may arise by operation of law or otherwise in connection with claims.

For purposes of this Order, all entities, parties in interest, and governmental units described in this Factual Finding number 3, are collectively defined as "Claimants" and the claims, liens, encumbrances and interests they have asserted, or may assert, are collectively defined as the "Claims and Liens."

3 Debtor's secured creditors have consented to the sale of the Debtor's "Assets" (the "Assets"), as that term is more particularly described in the Agreement.

4 Debtor lacks resources sufficient to preserve the value of its on-going business and its Assets

5 To preserve and realize the going-concern value of its Assets for the benefit of its creditors, Debtor solicited offers for the purchase of all or part of its Assets and business. The marketplace for the Assets to be sold by this Debtor has been fully explored. There is no indication that the demand for assets of this type will increase in the near future. Many of the Assets are subject to economic and functional depreciation as a consequence of a decrease in the Debtor's customer base.

6 The transaction reflected by the Agreement (the "Sale") provided Debtor with the mechanism to maximize the value of its business and its Assets. Without this Sale, the value of the Debtor's business and its Assets would continue to diminish.

7 The Sale represented by the Agreement is supported by sound business reasons, and reflects the Debtor's exercise of its sound business judgment.

8 By reason of Debtor's extensive efforts to sell its Assets, by reason of the fact that a bulk sale of the Assets under the terms of the Agreement produced a higher and better value for the Assets than a piece-meal sale, and by reason of the substantial cost and expense that would be associated

with a sale to a buyer other than MCG or NAC, the Purchase Price, as that term is more particularly described in the Agreement is:

- (a) fair and reasonable,
- (b) represents the highest and best value realizable for the Purchased Assets,

and

- (c) constitutes the fair market value of the Purchased Assets

9. Delaying consummation of the Agreement further will be detrimental to Debtor's bankruptcy estate.

10. The Agreement is the product of good-faith, arm's length negotiations. The Purchasers are each deemed "good faith purchasers" for all purposes under the Bankruptcy Code, including but not limited to section 363(m) of the Bankruptcy Code.

11. Consummation of the Agreement and consummation of the Sale are in the best interests of the Debtor's bankruptcy estate and its creditors.

12. The Purchasers are not successors to Debtor or its bankruptcy estate, and:

- (a) The consummation of the Agreement will not amount to a consolidation, merger and/or de facto merger of the Purchasers with Debtor or its bankruptcy estate;

- (b) The Purchasers are not continuations of Debtor and its bankruptcy estate, there is not substantial continuity between Purchasers and Debtor and its bankruptcy estate, and there is no continuity of enterprise among Debtor and its bankruptcy estate with the Purchasers;

- (c) As more particularly described in the Agreement, the Purchasers are purchasing all of the Debtor's Assets, including but not limited to, accounts receivable, bank deposits, inventory, equipment, cash, cash equivalents, insurance rights or claims arising prior to the Closing and proceeds thereof, but is not purchasing any of the Excluded Assets.

- (d) The Sale was not conducted with a purpose to hinder or delay creditors;

- (e) The Purchasers are not required to hire any of the individuals employed by Debtor prior to the Closing. The Purchasers are not required to hire any of the Debtor's supervisory

personnel. Debtor's former employees including any of Debtor's officers, directors, shareholders, or management team, if any who are hired by the Purchasers will be hired under new employment contracts and/or upon new terms and conditions to be set and determined by the Purchasers that become effective at or after the time of the Closing. The Purchasers are neither assuming any of the Debtor's past, present or future obligations to Debtor's employees, including but not limited to, claims and complaints by individual employees or any class of employees, nor are they assuming any Collective Bargaining Agreement or any collective bargaining obligations of Debtor;

(f) The Purchasers will not assume or be liable for any past, present, or future obligations under any employee benefit plans maintained or contributed to by Debtor or by any corporation, trade or business related to Debtor in a manner described in IRC §414(b), (c) or (m), and

(g) No common identity of incorporators, officers, directors or material stockholders currently exists among the Purchasers with this Debtor

13. All findings of fact which are designated as conclusions of law shall be deemed to be conclusions of law.

CONCLUSIONS OF LAW

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and 157(b)(2)(N). The Motion is a core proceeding under 28 U.S.C. §157(b).

2. Proper, timely, adequate and sufficient notice of the Sale Motion and the Sale Hearing has been provided.

3. Debtor is presently the lawful owner of, or lawfully holds, an ownership interest in the Assets.

4. The sale of the Assets may be consummated pursuant to the provisions of §§ 363(b), 363(f), and 363(m) of the Bankruptcy Code, free and clear of all claims and liens.

5. The Purchasers are good-faith purchasers for value pursuant to the provisions of §363(m) of the Bankruptcy Code and are entitled to the protection thereof

6. Sufficient business justification and sound business purpose exist for the consummation of the Agreement and the sale of the Assets pursuant to 11 U.S.C. §363(b), outside of a plan of reorganization.

7. All conclusions of law which are designated findings of fact shall be deemed to be findings of fact.

ACCORDINGLY, IT IS HEREBY ORDERED that

8. The Sale Motion is **GRANTED**. The Sale is **APPROVED**.

9. By consent of BellSouth, the Objection of BellSouth is deemed **WITHDRAWN**, with prejudice. The Motion for Approval of Settlement Agreement and attached Asset Purchase Agreement filed by Debtor seeking approval of an agreement reflecting a settlement with MCG, BellSouth, NAC, and certain other parties-in-interest (the "Settlement Agreement"), shall be approved contemporaneously herewith by separate Order of the Court.

10. This Debtor is authorized and directed to:

(a) ratify and consummate the Agreement in the form which is annexed to the Sale Motion as an exhibit, as currently amended and modified,

(b) to enter into such other and further agreements, and to take such additional steps and perform such other acts as may be necessary in order to consummate the Sale; and

(c) sell, transfer and convey the Assets to the Purchasers in accordance with the terms of the Agreement pursuant to 11 U.S.C. §§105(a), 363(b), (f) and (m), free and clear of any and all Claims and Liens, with any Claims and Liens attaching solely to the consideration paid, pursuant to the terms and conditions of the Agreement.

11. By operation of this Order, without the execution of any further instrument or document, the Assets upon the Closing are transferred, sold and conveyed by Debtor to the Purchasers free and clear of all Claims and Liens. The Purchasers shall have no liability or responsibility for any liability or obligation to Claimants with respect to Claims and Liens.

12. Neither MCG nor NAC is a successor to Debtor or its bankruptcy estate by reason of any theory of law or equity, and accordingly, neither MCG nor NAC shall be responsible for any liability or obligation represented by or arising from Claims and Liens; provided however, neither MCG nor NAC shall be released from any direct claims against either.

13. This Order is and shall be binding upon and govern the acts of all creditors and parties in interest, including without limitation, all persons or entities who are Claimants, governmental units, filing agents, filing officers, recorders of deeds, registrars of needs, administrative agencies, secretaries of state, federal, state and local officials, and all other persons and entities who may be required by operation of law, the duties of their office, or contract, to accept, file, register or otherwise record or release any documents or instructions including, without limitation, UCC Termination Statements, or who may be required to report or insure any title or state of title to any of the Assets.

14. Consistent with the terms of the Agreement, in the event that the Sale of the Assets is not consummated because of Debtor's default (which is not timely cured) under the Agreement, then MCG (provided it is not in default after any applicable cure period) shall be entitled to immediate payment of a "Break-Up Fee" in the amount of \$75,000. Such Break-Up Fee shall have first and highest priority of payment under 11 U.S.C. §503(b)(1)(A) and 507(a)(1), and shall be immediately payable from Debtor's estate or from the proceeds of the Sale of the Assets.

15. The original Management Agreement, previously attached at Exhibit "H" to the Asset Purchase Agreement for which the Sale Motion seeks approval, is APPROVED and effective immediately, so long as such Management Agreement is now substantially in the same form as the original Management Agreement, without material deviation, provided however, that BellSouth counsel shall be promptly provided with a copy of the Management Agreement, once executed.

16. The approval of the Sale Motion, the Sale and the transactions contemplated thereby shall be automatically withdrawn if the Settlement Agreement is terminated pursuant to Section 9(A) thereof.

17. This Court retains jurisdiction to: (a) enforce any and all provisions of the Agreement, the Sale Motion, and this Order; (b) implement the terms and provisions of this Order and Agreement related to the Sale; (c) compel delivery of the Assets to the Purchasers; (d) resolve any disputes arising under or related to this Order and the Agreement, and (e) to interpret, implement and enforce the provisions of this Order and the Agreement.


Pursuant to Bankruptcy Rule 9014, 9006(c), 4001, and 7062, this Order shall be effective and enforceable immediately upon its entry. The ten-day stay of Rule 4001(a)(3) is hereby expressly waived.

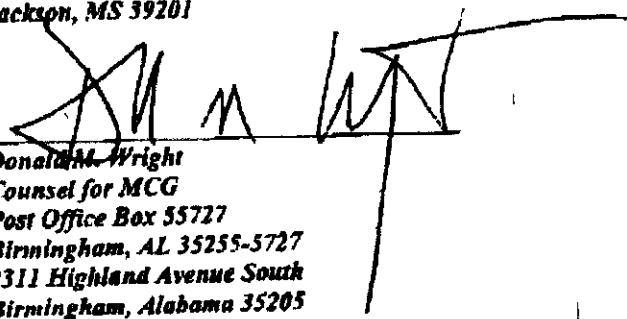
Dated: 11-18-, 2003.

Original Signed By
EDWARD ELLINGTON
US BANKRUPTCY JUDGE

Southern District of Mississippi
United States Bankruptcy Judge

This Order was Prepared and Submitted By:


Eileen N. Shaffer
Counsel for Debtor
Post Office Box 1177
Jackson, MS 39215-1177
401 East Capitol Street, Suite 316
Jackson, MS 39201


Donald M. Wright
Counsel for MCG
Post Office Box 55727
Birmingham, AL 35255-5727
2311 Highland Avenue South
Birmingham, Alabama 35205


Todd C. Meyers
Counsel for BellSouth
Kilpatrick Stockton, LLP

interoffice memo

Date: 4/2/2004
To: Office of General Counsel
From: Tom Putnam
RE: NOW Communications, Inc

NOW Communications, Inc. was billed in error (bill # 04RE001926) for the FY 2003 Regulatory fees & penalty for late payment.

That bill was replaced with bill #04RE003372 for the correct amount of \$ 488.76 plus 25% or \$ 122.19 for a total amount due of \$ 610.95.

No payments have been received.

Please let me know if I can be of further assistance.



Bill Processing

Document Number 04RE003372

FRN 0005028008

NOW Communications, Inc.

F1 NEXT

F9 EXIT

RANIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 04REG003372

FRN 0005028808

NOV Communications, Inc.

Bill Date 02/19/04 Bill Amount \$488.76

Bill Type REG9 Bill Paid \$0.00

Bill Due Date 03/20/04 Bill Balance Due \$488.76

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$122.19

Print Seq # 00011188 Waiver Date Admin Chg Due \$0.00

Transaction Date 04/02/04 Acct Period 07 Total Due \$610.95

Bill Description CB FY03 Non-Payment 0399 Late Fee \$ 122.19

Line Item Sequence 002 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code

Product No. Quantity Item Amount

Document Status Item Paid

Transaction Code Item Balance Due

Reference Type Reference No. Line

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

4/2/2004 ARIPNL2

Bill has been voided

RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number G4REGG1926

FRN GDD5G28808

NOW Communications, Inc.

Bill Date 02/09/04 Bill Amount \$1,313.27 *

Bill Type REG9 Bill Paid \$0.00

Bill Due Date 03/10/04 Bill Balance Due \$0.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # DGGG841B Waiver Date Admin Chg Due \$0.00

Transaction Date 04/02/04 Acct Period 07 Total Due \$0.00

Bill Description CB FY03 Non-Payment 0399 Late fee \$ 328.32 *

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2004 REG9 90 9500 065 0199

Product No. 0372 Quantity Item Amount \$1,313.27

Document Status V Item Paid \$0.00

Transaction Code Item Balance Due \$0.00

Reference Type Reference No. Line 000

Bureau File No.

Item Description

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F6 SAVE F8 BACK F9 EXIT

4/2/2004 ARIPNL2



Federal Communications Commission
Washington, D.C. 20554

February 19, 2004

NOW Communications, Inc.
711 South Tejon St
Ste 201
ColoraDO Springs, CO 80903

Re: 822814
Document No. 04RE001926

You recently received a letter from the Federal Communications Commission dated February 9, 2004 with an enclosed bill referencing an unpaid regulatory fee for Fiscal Year 2003. We indicated in that letter that we had no record of your payment for the above FCC call sign. We have recently discovered that the amount of \$1,641.58 calculated for that bill was incorrect due to a system error. The attached bill is being reissued with the correctly calculated amount for nonpayment.

The erroneous bill has been canceled.

We apologize for any inconvenience this has caused, and appreciate any effort you have made in responding to this request.

If you have any questions, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, which appears to read "Claudette E. Pride". The signature is fluid and cursive.

Claudette E. Pride, Chief
Revenue & Receivables Operations Group



Federal Communications Commission
Washington, D.C. 20554

July 28, 2003

NOW Communications, Inc
711 South Tejon St
Ste 201
Colorado Springs, CO 80903

Re: 04RE001926

Dear Licensee:

This letter is in reference to the Fiscal Year (FY) 2003 regulatory fees, which were due to the Federal Communications Commission (Commission) no later than September 26, 2003. These are mandatory fees established by Congress in accordance with the Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international policy, and rulemaking activities. An unpaid regulatory fee is a debt owed to the United States, see (31 U.S.C. §3701).

The Commission is verifying its FY 2003 regulatory fees collection to identify those licensees who have not paid. We have no record of receiving the FY 2003 regulatory fee under the following FCC Form 499-A Filer ID and FCC Registration Number (FRN):

FCC Form 499-A Filer ID: 822814

FRN: 0005-0288-08

We have examined your most recent FCC Form 499-A, and it appears that you owe the FY 2003 regulatory fee of \$488.76. If this amount is correct, and you have not yet paid this fee, then you also owe a 25% penalty, which penalty equals \$122.19. The total fee now due is \$610.95. If the amount due is incorrect based on a revised FCC Form 499A submitted to NECA, please pay the newly calculated amount and pay this fee with the 25% penalty for this service.

Payment in full should be remitted with the enclosed Remittance Advice and FCC Form 159 to: Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within 30 days of the date of this letter. You should submit all payments that are due, including the 25% penalty, for each Filer ID and FRN. The payment type code for this service is 0372. The payment type code to be used for the penalty is 0399. Each payment type code should be listed separately on the Form 159.

If you made full payment within the time required, please provide a complete copy of your submission (Form 159), including proof of payment. If you believe that you were exempt from the FY 2003 regulatory fee under the Commission's rules, please submit complete documentation supporting your position within twenty (20) days of the date of this letter. These documents should be sent to: Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.

We urge you to verify that proper payment was made to the Commission for this or any other Filer ID in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Claudette Pride, Chief
Revenue & Receivables Operations Group

Enclosure

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number		Current Bill Date
04RE003372		2/19/04
PAYER FRN#	APPLICANT FRN#	
	0005028808	

NOW Communications, Inc
711 South Tejon Street
Suite 201
Colorado Springs, CO 80903

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
REVENUE & RECEIVABLE OPER
P.O. BOX 358340
PITTSBURGH, PA 15251-8340

Total Amount Due		Due Date
\$610.95	Total Amount Due Must Be Received By	3/20/04

**SPECIAL INSTRUCTIONS (OPTIONAL)
PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED**

CB FY03 Non-Payment 0399 Late Fee \$ 122.19

FCN CALL SIGN

PAYER ADDRESS

Please write your bill number on your remittance.
Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0372	0	\$488.76
Total Due		\$610.95

Payment Method. Check ☐ (Attach)
Credit Card ☐ (Complete Below)

- ☐ MasterCard
 ☐ American Express
☐ VISA
 ☐ Discover

Account NO

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Expiration

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.
AUTHORIZED SIGNATURE DATE